

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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GLADYS PEREZ,

Plaintiff,

v.

1:15-CV-0240  
(GTS/CFH)

PATROLMAN JACK WALLACE,

Defendant.

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APPEARANCES:

OF COUNSEL:

GLADYS PEREZ

Plaintiff, *Pro Se*

63 Second Street, Unit 1  
Waterford, New York 12188

HON. JOHN J. REILLY

Corporation Counsel for the City of Albany  
Counsel for Defendant

City Hall  
24 Eagle Street  
Albany, New York 12207

VALERIE A. LUBANKO, ESQ.  
Deputy Corporation Counsel

GLENN T. SUDDABY, Chief United States District Judge

**DECISION and ORDER**

Currently before the Court, in this *pro se* civil rights action filed by Gladys Perez (“Plaintiff”) against Jack Wallace, a police officer employed by the City of Albany, New York (“Defendant”), are (1) Defendant’s motion to dismiss Plaintiff’s Complaint for failure to prosecute pursuant to Fed. R. Civ. P. 41(b), and (2) United States Magistrate Christian F. Hummel’s Report-Recommendation recommending that Defendant’s motion be granted and that Plaintiff’s Complaint be dismissed. (Dkt. Nos. 37, 39.) None of the parties have filed objections to the Report-Recommendation, and the deadline by which to do so has expired. (*See generally*

Docket Sheet.) After carefully reviewing the relevant papers herein, including Magistrate Judge Hummel's thorough Report-Recommendation, the Court can find no clear-error in the Report-Recommendation.<sup>1</sup> Magistrate Judge Hummel employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons set forth therein, Defendant's motion is granted, and Plaintiff's Complaint is dismissed in its entirety.

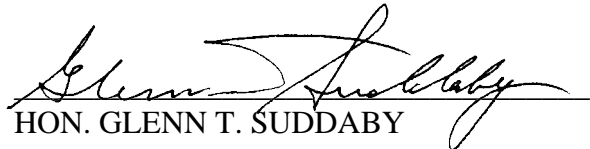
**ACCORDINGLY**, it is

**ORDERED** that Magistrate Judge Hummel's Report-Recommendation (Dkt. No. 39) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

**ORDERED** that Defendant's motion to dismiss Plaintiff's Complaint for failure to prosecute pursuant to Fed. R. Civ. P. 41(b) (Dkt. No. 37) is **GRANTED**; and it is further

**ORDERED** that Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED** in its entirety, and the Clerk of the Court shall enter Judgment in favor of Defendant and close this action.

Dated: May 16, 2016  
Syracuse, New York

  
HON. GLENN T. SUDDABY  
Chief United States District Judge

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<sup>1</sup> When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a "clear error" review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*; see also *Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at \*1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks omitted).